

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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IN RE:

CASE NO.: 11-40608

Mitchell Katcher and Lilliam Katcher,

CHAPTER 13

Debtors.

Hon. Judge: Carla E. Craig

-----X

NOTICE REQUESTING TERMINATION OF LOSS MITIGATION

PLEASE TAKE NOTICE, that upon the application of Wells Fargo Financial, the undersigned shall move this Court for an Order terminating the Loss Mitigation and for such other and further relief as is just and proper.

PLEASE TAKE FURTHER NOTICE, that objections, if any, must be served upon the undersigned and filed with the Court, no later than seven (7) days from the filing of this notice. If an objection is timely filed, then the Court shall schedule a hearing on the request.

Dated: Bay Shore, New York
July 27, 2011

Frenkel, Lambert, Weiss, Weisman & Gordon, LLP

BY: Raquel Felix
Raquel Felix
20 West Main Street
Bay Shore, New York 11706
(631) 969-3100
Our File No.: 01-041777-B00

TO: Mitchell Katcher and Lilliam Katcher
Debtors
8936 90th Street
Woodhaven, NY 11421

H. Bruce Bronson, Esq.
Attorney for the Debtors
Bronson Law Offices, P.C.
600 Mamaroneck Avenue, Suite 400
Harrison, NY 10528

Michael J. Macco
Trustee
135 Pinelawn Road, Suite 120 South
Melville, NY 11747

U.S. Trustee
271 Cadman Plaza East, Suite 4529
Brooklyn, NY 11201

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CREDITOR'S REQUEST TO TERMINATE LOSS MITIGATION

The application of Wells Fargo Financial (hereinafter "WFF"), by its attorneys, Frenkel, Lambert, Weiss, Weisman & Gordon, LLP, respectfully shows and alleges:

1. That on January 28, 2011 the Debtors herein filed a petition under Chapter 7 of the Bankruptcy Code, which was converted to Chapter 13 on April 7, 2011.

2. That on April 21, 2011, the Debtors requested Loss Mitigation in regards to the property located at 8936 90th Street, Woodhaven, NY 11421.

3. That on May 23, 2011, the Court entered a Loss Mitigation Order, thereby directing the Debtors and WFF to participate in Loss Mitigation.

4. That on May 31, 2011, WFF filed their response to Debtors' Request for Loss Mitigation.

5. That on July 19, 2011, WFF advised that Debtors Loss Mitigation Package was complete and the loan was being reviewed for a final decision.

6. That on July 21, 2011, I received a decision from WFF stating that the Debtors were denied for a loan modification, due to them being able to afford their current mortgage payment.

7. The Debtors have a total gross income of \$15,382.00. Debtors current monthly mortgage payment is \$3,823.35, \$225.00 for taxes, and \$92.35 for homeowners insurance, for a total of \$4,142.10. Their current mortgage payment is at 26.9% of the housing ratio. Debtors current mortgage payment is less than 31% of their gross income. 31% of their gross income is \$4,768.42,

this is the amount of mortgage payment that Debtors can afford.

8. On July 26, 2011, I conducted a telephone conference with H. Bruce Bronson, Debtors' Counsel, advising him of the reasons the Debtors were denied. On July 27, 2011, I e-mailed him advising that WFF has no other alternative loan modification options available.

8. As Debtors current mortgage payment is shown to be affordable and there are no alternative loan modification options available, WFF requests that Loss Mitigation be terminated.

WHEREFORE, WFF respectfully requests an order terminating the Loss Mitigation as it pertains to the Debtors' real property located at 8936 90th Street, Woodhaven, NY 11421, and for such other and further relief as is just and proper.

Dated: Bay Shore, New York
July 27, 2011

Respectfully submitted,

Frenkel, Lambert, Weiss, Weisman & Gordon, LLP

BY: Raquel Felix

Raquel Felix
20 West Main Street
Bay Shore, New York 11706
(631) 969-3100
Our File No.: 01-041777-B00

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STATE OF NEW YORK)
) ss.:
COUNTY OF SUFFOLK)

Jonathan Hermann, being duly sworn, deposes and says: deponent is not a party to the action. Is over 18 years of age and resides in Suffolk County, New York.

On July 28, 2011 deponent served the within Notice requesting termination of Loss Mitigation and Proposed Order Terminating Loss Mitigation upon:

Mitchell Katcher
Lilliam Katcher
8936 90th Street
Woodhaven, NY 11421

H. Bruce Bronson, Esq.
Bronson Law Offices, P.C.
600 Mamaroneck Avenue, Suite 400
Harrison, NY 10528

Michael J. Macco, Trustee
135 Pinelawn Road, Suite 120 South
Melville, NY 11747

U.S. Trustee
271 Cadman Plaza East, Suite 4529
Brooklyn, NY 11201

The above parties were served by depositing a true copy of same enclosed in a post-paid properly addressed wrapper, in a post office-official depository under the exclusive care and custody of the United States Postal Service within the State of New York.

Jonathan Hermann

Sworn to before me this
28th day of July, 2011

~~Notary Public~~

JESSICA SPIEGELMAN
Notary Public, State of New York
No. 01SP6093750
Qualified in Suffolk County
Commission Expires June 9, 2021